

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RODNEY G. SMITH, EXECUTIVE DIRECTOR
of the TEAMSTERS UNION 25 HEALTH SERVICES
AND INSURANCE PLAN,

Plaintiff,

v.

JETWORKS INC.

Defendant.

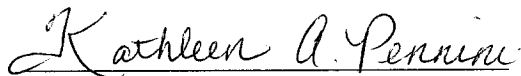
Civil Action No. 04-12528-EFH

PLAINTIFF'S MOTION FOR JUDGMENT BY DEFAULT

Now comes the Plaintiff, Rodney G. Smith, Executive Director of the Teamsters Union 25 Health Services and Insurance Plan, and hereby moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 55(b)(2) for the entry of a judgment by default in the form attached hereto and marked "A" as against Jetworks, Inc.

In support of this motion, the Plaintiff respectfully refers this Court to the accompanying affidavit of Carol A. Blanchard, attached hereto and marked "B," and the affidavit of Kathleen A. Pennini, attached hereto and marked "C."

Respectfully submitted,
For the Plaintiff,
**RODNEY G. SMITH, EXECUTIVE
DIRECTOR of the TEAMSTERS UNION 25
HEALTH SERVICES AND INSURANCE
PLAN,**
By his attorneys,



Matthew E. Dwyer
B.B.O. # 139840
Kathleen A. Pennini
B.B.O. # 654573
Dwyer, Duddy and Facklam, P.C.
One Center Plaza, Suite 360
Boston, MA 02108-1804
(617) 723-9777

Date: March 29, 2006

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, hereby certify that I sent a copy of the foregoing document with attachments, via first-class mail on March 29, 2006 to:


Kathleen A. Pennini

Date: March 29, 2006

f:\25hsip\jetworks\pldg\mot.default.judgment'.doc:blg

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RODNEY G. SMITH, EXECUTIVE DIRECTOR
of the TEAMSTERS UNION 25 HEALTH SERVICES
AND INSURANCE PLAN,

Plaintiff,

v.

JETWORKS TECH INC.

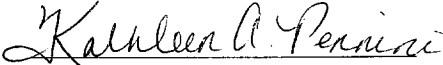
Defendant.

Civil Action No. 04-12528-EFH

**AFFIDAVIT OF KATHLEEN A. PENNINI IN SUPPORT OF
PLAINTIFF'S MOTION FOR JUDGMENT BY DEFAULT**

1. My name is Kathleen A. Pennini. I am a member of the law firm Dwyer, Duddy and Facklam, Attorneys at Law, P.C., located at One Center Plaza, Boston, Massachusetts 02108. I am admitted to practice before the United States District Court for the District of Massachusetts, the United States Court of Appeals for the First Circuit, and the Massachusetts Supreme Judicial Court. As an attorney with Dwyer, Duddy and Facklam, Attorneys at Law, P.C., I concentrate on public and private sector labor law and litigation under the Employee Retirement Income Security Act of 1974 (ERISA). I have acted as legal representative of the Teamsters Union 25 Health Services and Insurance Plan (hereinafter, "Plan") and Rodney G. Smith for the purpose of the above-captioned action.
2. On or after April 25, 2005 I received a Notice of Default against the Defendant, Jetworks, Inc. in connection with the above-captioned action to compel an audit of its contributions to the Teamsters Union 25 Health Services and Insurance Plan, plus interest, costs and attorneys fees.
3. Section 502(g) of ERISA provides that a plan may be awarded reasonable attorneys fees and costs of the action. 29 U.S.C. §1132(g)(1).
4. The amount of time this office has expended in this action for the period of April 4, 2004 through February 6, 2006 has been 11.4 hours.
5. Pursuant to financial arrangements made by this office with the Fund, services performed by this office for it in this action were charged, in increments of 1/10 of an hour, at the rate of \$ 190.00 per hour. Therefore, the amount of attorney's fees incurred by the Fund in this action is \$ 2,166.00 [11.4 hrs X \$ 190.00].

Signed under the pains and penalties of perjury of this 29 day of March 2006.


Kathleen A. Pennini

f:\25hsip\jetworks\pldg\aff.med.attys.fees.doc:blg